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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,259	03/03/2006	Sergio Lolli	7374P002	1134
8791 7590 01/20/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
LIU, HENRY Y				
ART UNIT		PAPER NUMBER		
3654				
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01/20/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,259

Applicant(s)

LOLLI ET AL.

Examiner

HENRY LIU

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/14/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The previous rejection is maintained.

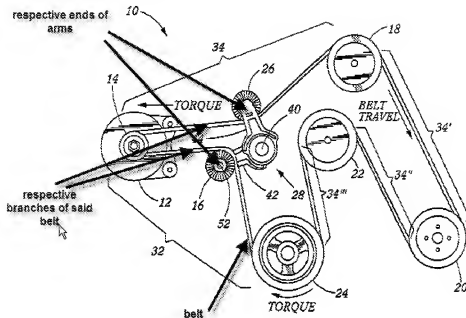
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALI (2002/0039944) in view of BARTOS (4,758,208).

Regarding Claim 1, ALI teaches "a two-arm belt tensioner for a belt drive (28) (Fig. 1), comprising: a fixed portion (50) (Fig. 3), designed to be fixed to a supporting structure." The mounting base (50) is affixed upon a point stationary in relation to the cylinder block of the engine ([0044]).

ALI teaches "a first arm (42) (Fig. 3) and a second arm (44) (Fig. 3), carried by said fixed portion (50) and hinged thereto about a common axis." Fig. 3 illustrates that the arms pivot around the cylindrical axis of pivot bolt (40) (Fig. 3).

ALI teaches "a first pulley (16) (Fig. 3) and a second pulley (26) (Fig. 3), mounted idle on respective ends of said arms (42, 44) (Fig. 3) and designed to co-operate with respective branches of a belt (30) ([0034]) of said drive (28)." See figure below.



ALI teaches "and elastic means (38), which force said arms (42, 44) towards one another to maintain said pulleys (16, 26) in contact with said respective branches of the belt ([0046])."

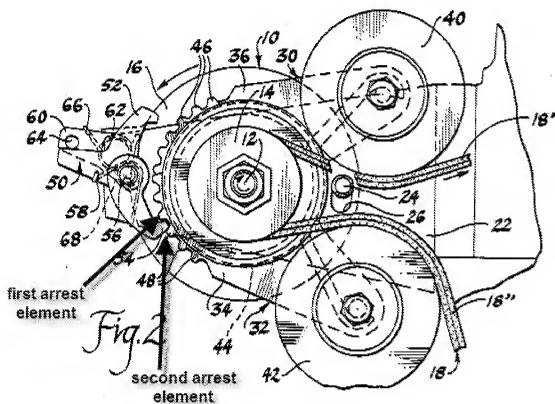
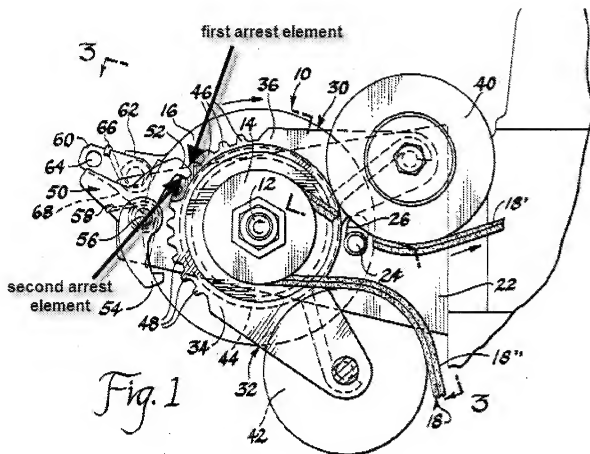
ALI teaches "said fixed portion (50) comprising a base plate (58) (Fig. 5), a pin (40) (Fig. 3) fixed to said plate (58) and defining said common axis of rotation of the two arms (44, 42)." Fig. 3 illustrates that the arms pivot around the cylindrical axis of pivot bolt (40) (Fig. 3).

ALI does not teach "said arms comprising first arrest elements which are designed to interact with said fixed portion to define respective first positions of arrest of said arms under the action of said elastic means, and respective second arrest

elements, which are designed to interact with said fixed portion to define respective second positions of end-of-travel of said arms under the action of the pull of said belt."

ALI also does not teach "said belt tensioner being characterized in that said fixed portion includes a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms."

BARTOS teaches arms (30) (32) comprising first arrest elements which are designed to interact with said fixed portion (50) to define respective first positions of arrest of said arms under the action of said elastic means, and respective second arrest elements, which are designed to interact with said fixed portion to define respective second positions of end-of-travel of said arms under the action of the pull of said belt (18)." BARTOS also teaches "said belt tensioner being characterized in that said fixed portion (50) includes a single appendage (50) fixed to said base plate (22) and defining an element of contrast for said first and second arrest elements of said arms (30) (32)." The broad claim language "element of contrast" does not limit the Claim. Arbitrarily, the fixed portion (50) is an element of contrast since it is separate from the arrest elements. See figure below.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual pulley tensioner in ALI with the pawl mechanism in BARTOS. The combination allows the tensioner to automatically select which tensioner arm should be active in a belt drive system where a drive system component switches between being a driven component and being a driving component.

Regarding Claim 2, ALI as modified teaches "characterized in that said at least one of said first and second arrest elements (BARTOS Fig. 1 and Fig. 2) of said arms (ALI (44, 42)) comprises a radial projection (BARTOS Fig. 1 and Fig. 2), which extends from the respective arm (BARTOS (30) (32)) and is designed to interact with said appendage (BARTOS (50)) of said fixed portion (BARTOS (22)) (Fig. 1 and Fig. 2)."

Regarding Claim 3, ALI as modified does not teach "characterized in that at least one of said arms comprises a hub, which houses at least partially said base plate."

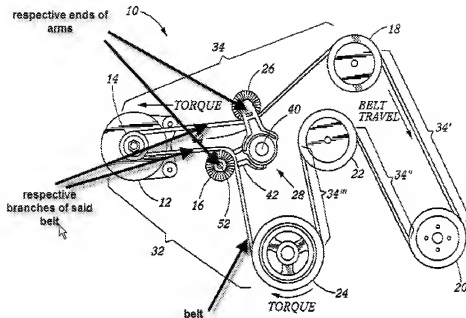
BARTOS teaches "characterized in that at least one of said arms (30, 32) comprises a hub (20), which houses at least partially said base plate (22)." The hub partially houses (20) by covering the plate (22) surface adjacent to it.

It would have been obvious to one of ordinary skill in the art to modify the tensioner in ALI such that the hub covers the plate surface in order to fasten the tensioner to the plate in a simple and secure manner.

Regarding Claim 5, ALI as modified teaches "characterized in that said elastic means comprise a spiral spring (ALI (38)) (Fig. 3) and in that one of said arms (ALI (44)) comprises a cup-shaped hub (ALI (48)), which houses said spring (ALI (38)) , said spring (ALI (38)) being constrained, with its own outer end, to said hub (ALI (48) (68), Fig. 5) and, with its own inner end, to the other arm (ALI (42)(46)(36), Fig. 5)."

Regarding Claim 6, ALI teaches "a belt drive (10) (Fig. 2) for connecting a reversible electric machine (12) (Fig. 2) to an engine shaft (24) ([0031]) (Fig. 2) of an internal-combustion engine ([0004]), said electric machine (12) being operable as an electric machine for starting said internal-combustion engine or as generator ([0034]), said drive (10) comprising: at least one first pulley (24) fitted on the engine shaft ([0031]) (Fig. 2) of said internal-combustion engine ([0004]); a second pulley (14) (Fig. 2) fitted on a shaft of said electric machine (12)." Electric generators in which pulleys are mounted inherently have shafts to mount the pulleys.

ALI teaches "and a belt wound around said pulleys (24, 14) said belt comprising: a first branch and a second branch set respectively between said first pulley (24) and said second pulley (14) and between said second pulley (14) and said first pulley (24) in the direction of motion of the belt itself; and a two-arm belt tensioner (28) (Fig. 2)." See figure below.



ALI teaches "which comprises: a fixed portion (50) (Fig. 3), designed to be fixed to a supporting structure ([0044]); a first arm (42) (Fig. 3) and a second arm (44) (Fig. 3), carried by said fixed portion (50) and hinged thereto about a common axis." Fig. 3 illustrates that the arms pivot around the cylindrical axis of pivot bolt (40) (Fig. 3).

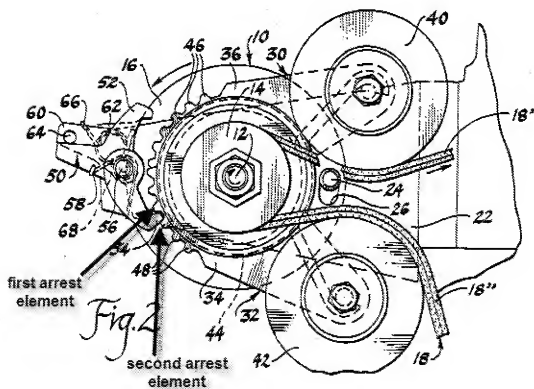
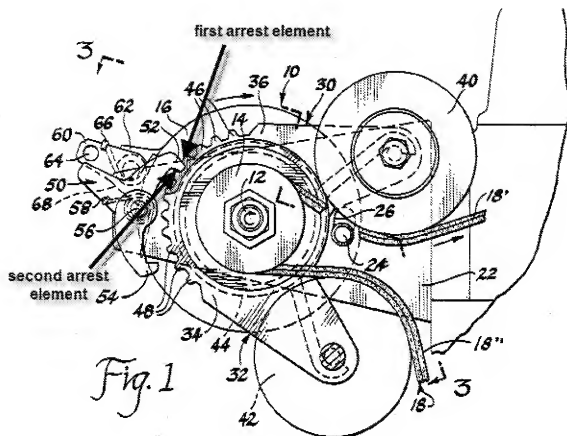
ALI teaches "a first pulley (16) and a second pulley (26), mounted idle on respective ends of said arms (42, 44) and designed to co-operate respectively with said first branch and with said second branch of said belt (Fig. 2) and elastic means (38) (Fig. 4), which force said arms (42, 44) towards one another to maintain said pulleys (16, 26) in contact with said respective branches of the belt ([0046])."

ALI teaches "said fixed portion (50) comprising a base plate (58) (Fig. 5), a pin (40) (Fig. 3) fixed to said plate (58) and defining said common axis of rotation of the two

arms (44, 42)." Fig. 3 illustrates that the arms pivot around the cylindrical axis of pivot bolt (40) (Fig. 3).

ALI does not teach "said arms comprising first arrest elements which are designed to interact with said fixed portion to define respective first positions of arrest of said arms under the action of said elastic means, and respective second arrest elements, which are designed to interact with said fixed portion to define respective second positions of end-of-travel of said arms under the action of the pull of said belt." ALI also does not teach "said belt tensioner being characterized in that said fixed portion includes a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms."

BARTOS teaches arms (30) (32) comprising first arrest elements which are designed to interact with said fixed portion (50) to define respective first positions of arrest of said arms under the action of said elastic means, and respective second arrest elements, which are designed to interact with said fixed portion to define respective second positions of end-of-travel of said arms under the action of the pull of said belt (18)." BARTOS also teaches "said belt tensioner being characterized in that said fixed portion (50) includes a single appendage (50) fixed to said base plate (22) and defining an element of contrast for said first and second arrest elements of said arms (30) (32)." The broad claim language "element of contrast" does not limit the Claim. Arbitrarily, the fixed portion (50) is an element of contrast since it is separate from the arrest elements.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual pulley tensioner in ALI with the pawl mechanism in BARTOS. The combination allows the tensioner to automatically select which tensioner arm should be active in a belt drive system where a drive system component switches between being a driven component and being a driving component.

Regarding Claim 7, ALI as modified does not teach "characterized in that said elastic means (ALI (38)) have a rigidity calculated so as to bring about a rotation of each arm (ALI (42, 44)) of the tensioner up to the respective second position of arrest (BARTOS (Fig. 1 and Fig. 2)) in the presence of a maximum value of tension of the respective branch of the belt."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to tune a spring to allow arm movement to a set position when a maximum tension is reached in a belt, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In *re Aller*, 105 USPQ. Here, a maximum arm movement position is disclosed and a spring imparting a biasing force is disclosed. Having an elastic means rigidity calculated so as to bring about a rotation of each arm of the tensioner up to the respective second position of arrest in the presence of a maximum value of tension of the respective branch of the belt is merely an optimum or working spring force to impart proper belt tensioning characteristics.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over ALI (2002/0039944) in view of BARTOS (4,758,208), as set forth in the discussion of Claim 1, and further in view of OLIVER (6,689,001) .

Regarding Claim 4, ALI as modified does not teach "characterized in that said first and second arrest elements (74 and 75) are provided with respective buffers made of elastic material for absorbing the impact with said fixed portion (ALI (50)) (BARTOS Fig. 1, Fig. 2)."

OLIVER teaches bushings (54) (56) (Fig. 2) mounted on arms (24) (26) (Fig. 2) made with hard rubber (Col. 6 lines 22-32).

It would have been obvious to modify the arrest elements in ALI as modified with the hard rubber bushings in OLIVER to eliminate potential resonance vibration.

Regarding Claim 5, ALI as modified teaches "characterized in that said elastic means comprise a spiral spring (ALI (38)) (Fig. 3) and in that one of said arms (ALI (44)) comprises a cup-shaped hub (ALI (48)), which houses said spring (ALI (38)) , said spring (ALI (38)) being constrained, with its own outer end, to said hub (ALI (48) (68), Fig. 5) and, with its own inner end, to the other arm (ALI (42)(46)(36), Fig. 5)."

Response to Arguments

Applicant's arguments filed 12/14/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would make the combination to allow the tensioner to automatically select which tensioner arm should be active in a belt drive system where a drive system component switches between being a driven component and being a driving component.

Applicant's argument that ALI and BARTOS fails to teach a "fixed portion including a single appendage fixed to said base plate and defining an element of contrast for said first and second arrest elements of said arms" is not persuasive. The single appendage (BARTOS 50) is a single appendage since there is only one appendage (BARTOS 50). The appendage is fixed to the housing with pin (BARTOS 56) since it is fastened or attached. The ordinary definition of the term fixed does not require that a part cannot move.

Applicant's argument that ALI and BARTOS fail to teach the "first arrest elements" and the "second arrest elements" is not persuasive. The first arrest elements interact with fixed portion (50) to define a first position of arrest as seen in Fig. 1. The first respective position of arrest is the position of the arm where the first arrest element presses against the pawl (52) (54) due to the belt tension. The second respective position of arrest is the position of the arm where the second arrest element presses against the pawl (52) (54) due to spring tension. The arms inherently have movement from a first position to a second position when the fixed portion is only partially rocked and the pawl is not fully engaged within the teeth (48) (46). Also, there are several possible first and second arm arrest positions depending on how much slack is in the belt since the fixed portion may latch itself in a number of detent teeth (480) (46).

Conclusion

This is a copy of applicant's earlier Application No. 10/541259. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL**

even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY LIU whose telephone number is (571) 270-7018. The examiner can normally be reached on Mon-Thurs 7:30am - 5:00pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN Q. NGUYEN can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/HENRY LIU/
Examiner, Art Unit 3654